

## DECLARATION OF RICHARD SMITH

August, 2008

I, Richard Smith, do solemnly declare:

1. I am a retired licensed investigator of twenty five years in California.
2. On or about May 2004, I interviewed Joy Gaston the forewoman of the jury in the trial of State of Hawaii vs Taryn Christian.
3. This meeting took place at a school in Kihei on Maui where Joy Gaston was employed as a teacher.
4. During the course of the interview, I asked why she voted for conviction in this case.
5. Joy Gaston responded that the prosecutor had informed the jury that Taryn Christian had confessed to the killing in a tape recorded conversation with his former girlfriend Lisa Kimmey.

I DECLARE UNDER THE PENALTY OF LAW THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dated: August 5<sup>th</sup>, 2008



RICHARD SMITH

Exhibit H